

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioners
September 5, 2008
Boise, Idaho

President Dwight Baker called the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:30 a.m. at the Law Center in Boise. In attendance at the meeting were Commissioners Doug Mushlitz, Newal Squyres, Deborah Ferguson, and James Meservy, Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland, Legal Education Director Terri Muse, and Executive Director Diane Minnich, who acted as secretary.

EXECUTIVE SESSION

Per Idaho Code Section 67-2345, the Commission, after an aye vote was recorded from each Commission, moved into executive session at 8:30 a.m. The executive session adjourned at 10:10 a.m.

GENERAL BUSINESS

Minutes – It was moved, seconded and passed to approve the minutes of the July 11, 2008 Commission meeting as amended.

Client Assistance Fund

Client Assistance Fund – The Commission reviewed Julia Crossland's report on the Client Assistance Fund. The Commission then discussed whether the bar should increase the per claim limit, and/or the attorney assessment. It was moved, seconded and passed to recommend to the Court that the per claim limit be increased to \$20,000 this year, to recommend an increase in the assessment to \$25, and the per claim limit to \$25,000 when the bar requests a license fee increase of the membership.

Ron Twilegar – It was moved, seconded and passed to authorize Bar Counsel to approve substitutions of CLE programs, if requested by Mr. Twilegar to meet the requirements for reinstatement.

Financial Reports – The Commission was provided with the July and August financial report. At the end of August 87.2% of budgeted revenue was collected and 66.4% of budgeted expenses incurred.

Plaque for Allyn Dingel – The Executive Director reported on a successful fundraising drive undertaken by the 4th District Bar Association, at the request of the 4th District Administrative Judge, to pay for a plaque for the courtroom named for Allyn Dingel.

Online licensing – The Executive Director reported that the staff was working with Access Idaho to create an online licensing process for 2009 licensing. The Commission discussed whether the bar should charge a convenience fee to lawyers for the credit card fees and

transaction fees associated with the online process. It was moved, seconded and passed to authorize the staff to include a convenience fee for online licensing, not to exceed the cost of the transaction.

Transfer to Active Status

The Commission considered a request from Terri Lynn Tackett to transfer from inactive to active status. It was moved seconded and passed to require the following of Terri Tackett to transfer from inactive to active status; the practical skills course, 20 live CLE credits in addition to the practical skills course, and successful passage of the MPT. The Commission agreed that Ms. Tackett's license would be transferred at the completion of the requirements.

2008 Resolution Meetings – The Commission discussed the resolution meeting schedule, the awards, and the lack of potential resolutions. The Commission agreed to develop a list of discussion items and reports in the absence of resolutions.

Lawyer Representative to Ninth Circuit

The Commission considered applicants for the representative to the Ninth Circuit Lawyer Conference. It was moved, seconded and passed to approve the submission of the following individuals to the Federal Judges as nominees for the Ninth Circuit Lawyers Representative; John A. Bailey, D. Fredrick Hoopes, Steven Richert and Alan C. Stephens.

Committees – The Commission considered additional 2008-09 Committee appointment recommendations. It was moved, seconded and passed to approve new appointments to the Advocate Editorial Advisory Board and email appointments: Professional Conduct Board - Dr. Kent Marlor (non lawyer), Rexburg; Character and Fitness Committee - April Ann Smith, Lewiston; Advocate Editorial Advisory Board – Judge Kathy Sticklen, Boise; Judicial Independence Committee – Judge Larry Boyle, Boise; Medical Malpractice Prelitigation Hearing Panelists – Jennifer Ewers, Moscow and Richard Cuddihy, Lewiston

The Executive Director reminded the Commission that openings still remain for non lawyers on the CAF Committee and PCB.

Liaison Assignments – The Commissioners were provided with the proposed liaison assignments to Bar Sections and Committees. Commissioners Ferguson and Mushlitz exchanged the Environment and Natural Resource Sections for the Workers Compensation, otherwise the liaison assignments were accepted as presented.

Annual Conference, October 8-10 in Sun Valley – The Commission reviewed the schedule for the conference and the events that Commissioners attend.

Litigation Section – Request to amend bylaws – The Commission was provided with a memo from Deputy Executive Director Terri Muse explaining the Litigation Section's request to amend its bylaws. It was moved, seconded and passed to approve the Litigation Section's request to amend its bylaws to eliminate term limits for its governing council members.

ABA Delegate report – Larry Hunter, ABA State Bar Delegate, joined the Commission to discuss the House of Delegates Annual Meeting in August. He reported on the House Counsel

model rule adopted, and that the revisions to the Model Rules of Professional Conduct regarding screening were tabled. He noted that once the proposed screening rules would be revised, he may bring the new proposal to the Commission at a future date.

District Court Opinions Online

The Executive Director reported that this project is still pending. The Idaho Supreme Court plans to hire a lawyer to oversee the substantive technology issues; this attorney would be able to further this project as part of his or her responsibilities. The timeframe for implementation would probably be by the first of the year.

Practice Section Update

Deputy Executive Director Terri Muse provided a summary of the section activities for the past few months.

Supreme Court Oral Conference minutes – The Commission was provided with the Supreme Court Oral Conference minutes for July and August 2008 conferences.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

The Commission was provided the following: August 4, 2008 membership statistics – 5,072; December LRS statistics; letters and news clippings for the past month.

The meeting was adjourned at 11:45 a.m.

Respectfully submitted,

Diane K. Minnich
Executive Director